


FORM TO BE USED BY PRISONERS IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. Sec. 1983

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINEBLUFF DIVISION

U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

DEC 12 2003

JAMES W. MCCORMACK, CLERK
By: 

DENNIS HICKMAN, ADC# 124179

ADC # 124179

(Enter above the full name of the
plaintiff, or plaintiffs, in this
action.)

V.

CASE NO. 5:03cv00469

JTR

DR. DIAB, DR. OLUMOFIN, DR. BOONE,

MS. WILLIS, BRENDA BEARDON, MICHEAL PFIEFFER,

GRANT HARRIS, MAX MOBLEY & LARRY NORRIS

(Enter above the full name of
defendant or defendants, in
this action.)

This case assigned to District Judge

Wilson
Ray

I. Previous Lawsuits

- A. Have you begun other lawsuits in state or federal court
dealing with the same facts involved in this action?

Yes _____ No XXXXXXX

- B. If your answer to A is yes, describe each lawsuit in
the space below. (If there is more than one lawsuit,
describe the additional lawsuits on another piece of
paper, using the same outline.)

1. Parties to this lawsuit

Plaintiffs: _____

Defendants: _____

2. Court (If federal court, name the district; if state
court, name the county: _____

3. Docket Number:
4. Name of Judge to whom case was assigned:
5. Disposition (for example: Was the case dismissed? was it appealed? Is it still pending?):
6. Approximate date of filing lawsuit:
7. Approximate date of disposition:

II. Place of present Confinement:

III. There is a prisoner grievance procedure in the Arkansas Department of Correction. **Failure to complete the grievance procedure may affect your case in federal court.**

- A. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes XXXXX No

- B. If your answer is YES, Attach copies evidencing completion of **the final step of the grievance appeal** procedure. **FAILURE TO ATTACH THE REQUIRED COPIES MAY RESULT IN THE DISMISSAL OF YOUR COMPLAINT.**

- C. If your answer is NO, explain why not:

IV. Parties

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

- A. Name of plaintiff: DENNIS HICKMAN, ADC# 124179
Address: 7206 WEST 7th STREET, PINEBLUFF, AR.
71603

Name of plaintiff:

Address:

Name of plaintiff:

Address:

(In Item B below, place the full name of the defendant in the first blank, his official position in the second blank, his place of employment in the third blank, and his address in the fourth blank.)

Defendant: DR. DIAB
Position : DOCTOR AT (CMS) INFIRMARY AT JCJ/CF
Place of employment: (CMS) CORRECTIONAL MEDICAL SERVICE
Address: 7206 WEST 7th STREET, PINEBLUFF, AR. 71603

Defendant: DR. OLUMOFIN
Position : DOCTOR AT THE (CMS) INFIRMARY AT JCJ/CF
Place of employment: (CMS) CORRECTIONAL MEDICAL SERVICE
Address: 7206 WEST 7th STREET, PINEBLUFF, AR. 71603

Defendant: DR. BOONE
Position : DOCTOR AT (CMS) INFIRMARY AT JCJ/CF
Place of employment: (CMS) CORRECTIONAL MEDICAL SERVICE
Address: 7206 WEST 7th STREET, PINEBLUFF, AR. 71603

Defendant: MS. WILLIS
Position : INFIRMARY MANAGER
Place of employment: (CMS) CORRECTIONAL MEDICAL SERVICE
Address: 7206 WEST 7th STREET, PINEBLUFF, AR. 71603

Defendant: BRENDA BEARDON
Position : INFIRMARY SUPERVISOR FOR (CMS)
Place of employment: (CMS) CORRECTIONAL MEDICAL SERVICE
Address: 7206 WEST 7th STREET, PINEBLUFF, AR. 71603

(In Item B below, place the full name of the defendant in the first blank, his official position in the second blank, his place of employment in the third blank, and his address in the fourth blank.)

MICHEAL PFIEFFER

Defendant:

HEAD (CEO) FOR (CMS)

Position :

(CMS) CORRECTIONAL MEDICAL SERVICE

Place of employment:

7206 WEST 7th STREET, PINEBLUFF, AR. 71603

Address:

GRANT HARRIS

Defendant:

WARDEN AT THE JCJ/CF (ADC)

Position :

(ADC) ARKANSAS DEPARTMENT OF CORRECTIONS

Place of employment:

7206 WEST 7th STREET, PINEBLUFF, AR. 71603

Address:

MAX MOBLEY

Defendant:

DEPUTY DIRECTOR FOR (ADC)

Position :

(ADC) ARKANSAS DEPARTMENT OF CORRECTIONS

Place of employment:

P. O. BOX 8707, PINEBLUFF, AR. 71611-8707

Address:

LARRY NORRIS

Defendant:

DIRECTOR OF (ADC)

Position :

(ADC) ARKANSAS DEPARTMENT OF CORRECTIONS

Place of employment:

P. O. BOX 8707, PINEBLUFF, AR. 71611-8707

Address:

Defendant:

Position :

Place of employment:

Address:

V. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.) I HAVE HAD A HERNIA DIAGNOSED BY THE (ADC) SINCE DECEMBER, 2002., WHEN IT WAS THEN ABOUT THE SIZE OF A DIME. I HAVE SENT IN GRIEVANCES, REQUEST FOR INTERVEIWS, LETTERS, ECT... TRYING TO GET MY HERNIA FIXED AND YET, THE (ADC) & (CMS) DOCTORS AND OFFICIALS HAVE WITH DELIBERATE INDIFFERENCE TO SERIOUS MEDICAL NEED DENIED THE PLAINTIFF ANY TREATMENT AND/OR CORRECTIVE ACTION FOR THE VIOLATIONS OF HIS CONSTITUTIONAL RIGHT'S. THE PLAINTIFF'S HERNIA HAS NOW DEVELOPED INTO THE SIZE OF A FOOTBALL AND THE (CMS) AND (ADC) DOCTORS AND OFFICIALS STILL ARE DENYING THE PLAINTIFF ANY TREATMENT IN SAYING THAT UNLESS THE HERNIA RUPTURES IT IS NOT LIFE THREATENING. THE PLAINTIFF CONTENDS (IF) THE (ADC) AND (CMS) OFFICIALS WAIT UNTIL THE PLAINTIFF'S HERNIA RUPTURES THEN IT COULD KILL THE PLAINTIFF. THE (CMS) OFFICIALS ARE DENYING THE PLAINTIFF TREATMENT SIMPLY BECAUSE OF COST AND THE (ADC) OFFICIALS ARE ALLOWING THE (CMS) OFFICIALS TO CONTINUE THE VIOLATIONS OF THE PLAINTIFF'S RIGHT'S EVEN WHEN IT HAS BEEN BROUGHT TO THEIR ATTENTION AND THEY ARE REFUSING THE PLAINTIFF ANY CORRECTIVE ACTION. THEREFORE, THE (ADC) SUPERVISOR'S AND OFFICIALS ARE DIRECTLY RESPONSIBLE FOR THE VIOLATIONS AS WELL

VI. Relief

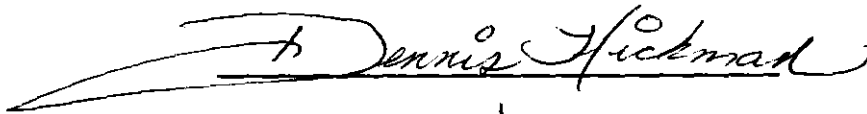
(SEE) STATEMENT OF FACTS (ATTACHED)

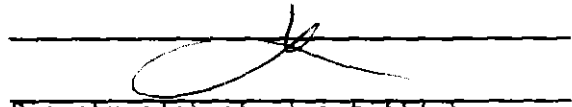
State briefly exactly what **YOU want the court to do for YOU.**
Make **no legal arguments. Cite no cases or statutes.**

THE PLAINTIFF WANTS THE (ADC) & (CMS) OFFICIALS TO CHANGE THEIR POLICIES ON TREATMENT OF INMATE HERNIA'S. I WOULD LIKE MY HERNIA REPAIRED WITH MEDICAL TREATMENT AND/OR MEDICATION. I WOULD ALSO LIKE THIS COURT TO AWARD NOMINAL, COMPENSATORY, ACTUAL AND PUNITIVE DAMAGES, AS ALLOWED BY LAW, AGAINST EACH DEFENDANT, JOINTLY AND SEVERLLY, AS WELL AS SUCH ADDITIONAL RELIEF INWHICH THIS COURT DEEMS JUST AND PROPER IN THIS CASE.

I declare under penalty of perjury (18 U. S. C. § 1621 that the foregoing is true and correct.

Executed on this 9th day of DECEMBER, 2003.





Signature(s) of plaintiff(s)

" STATEMENT OF FACTS

IN DECEMBER OF 2002, I CAME TO THE ARKANSAS DEPARTMENT OF CORRECTIONS (ADC) AND I WAS DIAGNOSED WITH A HERNIA ABOUT THE SIZE OF A DIME. I WAS GIVEN A FOUR (4) HOUR SCRIPT AND YET, IT WAS NEVER HONORED. WHEN I WORKED ON VEGETABLE PROCESSING UNIT (VPU) AT VARNER I WAS TOLD THAT I MUST WORK "ALL" DAY UNLESS THE WORK BECAME STRENUOUS. THE SUPERVISOR ON (VPU) STATED THE WORK WOULD NEVER GET BEYOND MY MEDICAL RESTRICTIONS, BECAUSE I COULD SIT DOWN WHILE DOING ANY TASK.

I HAVE BEEN REQUIRED TO WORK AT EVERY UNIT I WAS AT AND THEY NEVER HONORED MY SCRIPT. I HAVE SUFFERED FOR OVER A YEAR AND THEY REFUSE TO DO SURGERY TO CORRECT THE PROBLEM. I'VE REQUESTED SURGERY AND THEY HAVE STATED (PER) PROTOCOL THE WOULD NOT DO ANYTHING UNLESS THE HERNIA RUPTURED, THEY'VE GIVEN ME A BELT INWHICH TO WEAR, BUT IT HURTS TO BAD WHEN I WEAR IT.

MY HERNIA INWHICH WAS THE SIZE OF A DIME AT VARNER HAS NOW DEVELOPED INTO A HERNIA THE SIZE OF A HALF FOOTBALL AND THE MEDICAL STILL TELLS ME THAT I CAN NOT HAVE SURGERY UNTIL IT RUPTURES AND THEN IT WOULD BE A LIFE THREATENING MEDICAL ISSUE. THE CORRECTIONAL MEDICAL SERVICE (CMS) IS RESPONSIBLE FOR THE INMATE POPULATIONS MEDICAL AND THEY ARE DENYING ME THE PROPER TREATMENT, MEDICATION AND/OR SPECIALIST. I'VE REPEATEDLY ASKED TO SEE A SPECIALIST AND THEY SAY THERE IS NO NEED (PER) PROTOCOL.

CORRECTIONAL MEDICAL SERVICE IS BASED IN ST, LOUIS MISSOURI AND MICHEAL PFIEFFER IS THE HEAD CEO AND POLICY MAKER. I'VE TRIED AT THE UNIT LEVEL AND THEY REFUSE ME THE ADDRESS OR ANY WAY TO GET IN TOUCH WITH THE PROTOCOL AND POLICY MAKERS SUCH AS MICHEAL PFIEFFER WHO HAVE SO BLATENLY SET THE MEDICAL STANDARDS OF TREATMENT FOR HERNIA'S SO HIGH INWHICH TO CAUSE THE (ADC) INMATES TO SUFFER AT THE HANDS OF THE JEFFERSON REGIONAL UNIT (CMS) INFIRMARY STAFF AND OFFICIALS.

THE MAIN OFFICE TO MY KNOWLEDGE IS ON OLIVE BOULIVARD IN ST. LOUIS, MISSOURI (YET) I HAVE REQUESTED THE OFFICIALS HERE AT THE UNIT INWHICH REFUSE TO GIVE ME ANYTHING. YET, BECAUSE MR. PFIEFFER IS THE POLICY MAKER AND HAS SET THE STANDARDS (PER) PROTOCOL HE IS RESPONSIBLE AS WELL FOR THE CRUEL AND UNUSUAL PUNISHMENT INWHICH IS BEING INFLECTED ON ME AND OTHER INMATES LIKE ME (SIMPLY) BECAUSE OF COST AND PROTOCOL.

I HAVE REPEATEDLY REQUESTED MEDICAL TREATMENT AND I WAS TOLD THAT THEY WOULD NOT BE ABLE TO DO ANYTHING AND THEREFORE I AM FILING THIS 1983 CIVIL COMPLAINT FOR THE DELIBERATE INDIFFERENCE INWHICH THE OFFICIALS AT THE JEFFERSON

REGIONAL UNIT (CMS) INFIRMARY ARE INFLECTING ON ME AND OTHER INMATES WITH HERNIA"S. THEY ARE DENYING INMATES TREATMENT OF A SERIOUS MEDICAL NEEDS. THE PLAINTIFF IS SUING "ALL" THE OFFICIALS IN THEIR INDIVIDUAL AND THEIR OFFICIAL CAPACITY. THE PLAINTIFF HAS BROUGHT THIS ACTION TO THE ATTENTION OF THE (ADC) OFFICIALS NAMELY GRANT HARRIS WARDEN AT THE JEFFERSON REGIONAL UNIT WHO HAS REFUSED TO CORRECT THE PROBLEM. THE PLAINTIFF THEN FILED TO (BOTH) MAX MOBLEY AND LARRY NORRIS WITH "NO" RESPONSE PERIOD.

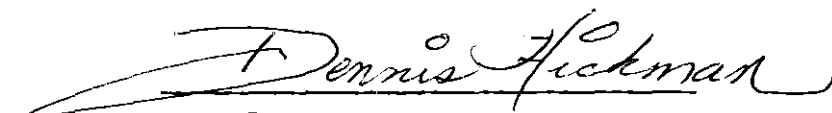
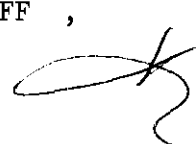
THE (CMS) AND (ADC) OFFICIALS ARE ALLOWING THE PLAINTIFF TO BE DENIED TREATMENT AND THEY HAVE ACTUAL KNOWLEDGE OF THE SUBSTANTIAL RISK OF SERIOUS HARM TO INMATES AT THE UNIT AND (ADC) LEVEL ON BEHALF OF OTHER INMATES.

(SEE) ESTELLE VS. GAMBLE, 429 U.S. 97, 102-03, 50 L. ED. 2d 251, 97 S. CT. 285 (1986); DESHANEY VS. WINNEBAGO COUNTY SOCIAL SERVICES, 489 U.S. 251, 97 S. CT. 285 (1989)

THE (ADC) AND (CMS) OFFICIALS ARE ALLOWING THE PLAINTIFF AND OTHER INMATES EI IHIN THE (ADC) TO UNDERGO CRUEL AND UNUSUAL PUNISHMENT IN THE FORM INFLECTION OF UNNECESSARY PAIN. THE PLAINTIFF STATES THAT "ALL" THE DEFENDANTS CLEARLY ARE AWARE OF THE SERIOUS MEDICAL NEED, THEY"VE FAILED TO TAKE ANY CORRECTIVE ACTION AND/OR THE FAILURE TO TAKE CORRECTIVE ACTION HAS CAUSED THE PLAINTIFF"S HERNIA TO GROW FROM A DIME SIZE TO ALMOST FOOTBALL SIZE AT PRESENT.

THE PLAINTIFF HAS CLEARLY BROUGHT THIS TO THE KNOWLEDGE OF THE DEFENDANTS THEY"VE REFUSED TO DO ANYTHING TO CORRECT THE PROBLEM, EVEN AT A ADMINISTRATIVE LEVEL. THEREFORE, THE PLAINTIFF SUES THE DEFENDANTS AND REQUEST THE IMMEDIATE SURGERY AND REPAIR OF HIS HERNIA. THE PLAINTIFF WANTS THE (ADC) AND (CMS) OFFICIALS TO CHANGE THEIR POLICIES AND PROCEDURES WITH DEALING WITH HERNIA"S. THE PLAINTIFF ALSO SUES FOR COMPENSATORY, ACTUAL AND PUNITIVE DAMAGES FOR THE PLAINTIFF"S PAIN AND SUFFERING. THANKS FOR YOUR SUFFERING. THANKS FOR YOUR TIME, EFFORT AND CONSIDERATION IN THIS MATTER.

RESPECTFULLY SUBMITTED,


PLAINTIFF , PRO SE


" CERTIFICATE OF SERVICE "

I , DENNIS A. HICKMAN, DO HEREBY STATE AND SWEAR THAT A
COPY OF THE FOREGOING: " 1983 CIVIL COMPLAINT " WAS SENT BY THE UNITED STATES
POSTAL SERVICE TO:

UNITED STATES DISTRICT COURT
C/O JAMES Mc CORMACK / CLERK
600 WEST CAPITOL AVE., SUITE 402
LITTLE ROCK, ARKANSAS

RECEIVED, DECEMBER 11, 2003

THIS 9th DAY OF December, 2003.

Dennis Hickman
PLAINTIFF , PRO SE
